

REMARKS

In response to the non-final office action of January 27, 2009, applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-23 and 25-51 are pending, with claims 1, 23, 25, 27, 28, 31, and 37 being independent.

Interview Summary

Initially, applicants thank Examiner Walsh for the courtesies extended to applicants' representative during the telephone call on April 9, 2009. During the telephone call, Examiner Walsh and applicants' representative discussed the § 101 rejection and dependent claims 24-34. This reply reflects the substance of the interview.

IDS Issue

In the Office Action, Examiner Walsh returned an initialed PTO-1449 form in which several references were lined through. It appears that these references were lined through because the date was not listed on the PTO-1449 form. Applicants have concurrently filed another PTO-1449 form in which dates were added to the lined through references. Applicants respectfully request consideration of the lined through references and return of an initialed copy of the PTO-1449 form.

Claim Objections

Claims 35 and 36 were objected to for minor informalities. Applicants have amended claims 35 and 36 and submit that the amendments address all of the issues raised in the Office Action. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

§ 101 Rejections

Claims 23-34 were rejected as being directed to non-statutory subject matter. Applicants have amended claims 23, 25, 27, 28, and 31 based on the telephone call with Examiner Walsh on April 9, 2009. Applicants submit that the amendments address all of the issues raised in the

Office Action. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

§ 102 Rejections

Claim 23 was rejected as being anticipated by U.S. Patent No. 6,549,937 to Auerbach et al. Applicants traverse this rejection, and yet, to expedite prosecution, have amended independent claim 23 to obviate the rejection. Specifically, claim 24 was not rejected under 35 U.S.C. § 102 or 35 U.S.C. § 103. Applicants have canceled claim 24 and amended claim 23 to include features of claim 24. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 23.

Claims 25, 27, 28, and 31

Claims 25, 27, 28, and 31 also have been amended. The amendments to claims 25, 27, 28, and 31 merely integrate features of the pre-amended version of claim 23 into claims 25, 27, 28, and 31. Because claims 25, 27, 28, and 31 were not rejected under 35 U.S.C. § 102 or 35 U.S.C. § 103, claims 25, 27, 28, and 31 and their dependent claims are believed to be allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that all claims are in condition for allowance.

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The fee in the amount of \$880.00 in payment of the excess claim fees is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 27, 2009

/Jeremy J. Monaldo/

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